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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,510	12/28/2001	David A. Comisky	TI-33646	1263
23494	7590	08/17/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/034,510	<b>Applicant(s)</b> COMISKY, DAVID A.	
	<b>Examiner</b> Jefferey F. Harold	<b>Art Unit</b> 2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 9, 13-21, 23-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 16-21, 23-27, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1, 2, 8, 9, 13-21, 23-27, 29 and 30*** are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (United States Patent 6,542,465).

Regarding **claim 1**, Wang discloses a method for flow control in ADSL devices. In addition, Wang disclose a system to mitigate interference between high frequency and low frequency communications over a common line, comprising: a detector operative to detect approximately when a change in a ringing condition associated with the common line is about to occur and provide a notification indicative thereof; and a high frequency communications system associated with the common line for communication of at least one of voice and data as high frequency data via the common line, the high frequency communications system being operative to temporarily stop downstream transmission of the at lest one of voice and data based on the notification so as to allow at least some of the change in the ringing condition to occur, such that interference on the downstream transmission of high frequency data due to change in

the ringing condition is mitigated, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claim 2**, Wang discloses everything claimed as applied above (see claim 1), in addition, Wang discloses a bus from which the high frequency communication system receives data for high frequency downstream transmission over common line, the high frequency communication system temporary stoppage of downstream transmission of high frequency data, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claim 8**, Wang discloses everything claimed as applied above (see claim 1), in addition, Wang discloses a bus from which the high frequency communications system receives at least one of voice and data signals for downstream transmission as the high frequency data over the common line, the high frequency communications system comprising at least one buffer in which received data is stored during temporary stoppage of downstream high frequency data, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claim 9**, Wang discloses everything claimed as applied above (see claim 1), in addition, Wang discloses the high frequency communications system imposing the temporary of downstream high frequency data for a time period sufficient to allow the change in the ringing condition to occur, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claim 13**, Wang discloses everything claimed as applied above (see claim 1), in addition, Wang discloses the detector being implemented as computer

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executable instructions in a controller of associated carrier equipment that also includes the high frequency communications system, the controller being operative to control a plurality of Digital Subscriber Line systems, the high frequency communications system being one of the plurality of Digital Subscriber Line systems, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claim 14**, Wang discloses everything claimed as applied above (see claim 1), in addition Wang discloses the detector being implemented as computer executable instructions in a Plain Old Telephone Service (POTS) system of associated carrier equipment that also includes the high frequency communications system, the detector of the POTS system being coupled to communicate the notification to the high frequency communications system, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claim 15**, Wang discloses everything claimed as applied above (see claim 14), in addition Wang discloses, the high frequency communications system and the POTS system being implemented in an integrated hardware module, as disclosed at column 5, lines 1-42, column 7, lines 3-64 and exhibited in figures 1-4.

Regarding **claims 16-21, 23-27, 29 and 30**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 2, 8, 9, and 13-15.

***Allowable Subject Matter***

2. ***Claims 3-7, 10-12, 22 and 28*** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
August 14, 2005



Jefferey F Harold  
Primary Examiner  
Art Unit 2646